IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22847 of 2004

Between:

Thirumuru Jyothi, W/o Murali Mohan Reddy,
R/o Amancherla Village, Nellore Rural Mandal,Nellore District.

... PETITIONER

AND

1 The Mandal Revenue Officer, Nellore District.
2 Revenue Divisional Officer, Nellore District.
3 The District Collector, Nellore.
4 Smt. Mohammadunnisa Begum, W/o Late Mohammad Yakub Saheb,
R/o Balajinagar, Nellore, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction or order more particularly one in the nature of Writ of Mandamus declaring the order passed by the 1st respondent in Rc.B. 1458/2004, dated 21-9-2004 as the same is illegal, arbitrary and contrary to provisions of A.P. Assigned lands (Prohibition of Transfer) Act, 1977 and also violative of Articles 14, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.M.SUBRAHMANYAM

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue for the respondents.

2. In this writ petition, the petitioner is challenging the order dated 21-09-2004 passed by the first respondent – Mandal Revenue Officer in Proceedings Rc.No.1458/04 in respect of Ac.3.37 cents of dry land comprised in S.No.212-1-B2 of Amancherla Village of Nellore Mandal, Nellore District. The impugned orders were issued by the first respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. Admittedly, against the impugned orders, the petitioner has an effective alternative remedy of filing an appeal before the Revenue Divisional Officer concerned and without availing the same, the petitioner has approached this Court in a posthaste manner.

4. In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioner to file an appeal along with a stay application before the second respondent - Revenue Divisional Officer within a period of two weeks from today. The second respondent – Revenue Divisional Officer is directed to pass appropriate orders on the stay application as expeditiously as possible. Till the disposal of the stay application, status quo existing as on today shall be maintained.

The writ petition is accordingly disposed of.

N.V. RAMANA, J

December 10, 2004

MRR/TVK

To:

1 The Mandal Revenue Officer, Nellore District.
2 Revenue Divisional Officer, Nellore District.
3 The District Collector, Nellore.
4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies.